

1

HB 218 - VOTER I.D.

MAY 15, 2007

Transcribed April 27, 2012

By Rhonda Howard, CSR


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1 THE PRESIDENT: TS-H493 (b) 493 B.

2 Chair recognizes Senator Fraser for a
3 motion to suspend (inaudible) order of business and
4 take up and consider Committee Substitute for House
5 Bill 218.

6 SENATOR FRASER: Mr. President,
7 Members, I would move to suspend the regular order
8 of business and take up Senate House Bill 218.

9 Senate Bill 218 is the photo I.D. bill --
10 bill that would protect the integrity of voting.
11 The bill simply clarifies that someone is voting
12 that they would show photo I.D. in order to vote. I
13 would move suspension of the order of business.

14 THE PRESIDENT: Questions of the
15 author.

16 SENATOR SHAPLEIGH: Can I ask a few
17 questions?

18 THE PRESIDENT: Senator Fraser, will
19 you yield to Senator Shapleigh.

20 SENATOR FRASER: I will.

21 SENATOR SHAPLEIGH: Senator, you
22 walked through this very slowly. Can you go back
23 through exactly what this bill is doing, how it came
24 over from the House and what is your goal in House
25 Bill 218.



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1 SENATOR FRASER: Senator Shapleigh,
2 the -- the issue, as you know, has been out there
3 for a while. It was a bill that passed the House
4 and came over. And this is -- this is not an -- a
5 unique issue. Photo I.D.s are being used in a host
6 of countries across the -- the world including
7 Canada, Mexico, France, Germany, Italy, Poland,
8 Britain, India and South Africa, and there's about
9 half the U.S. states. And it's clearly just an
10 issue to give the ability of someone's voting
11 that -- it's a basic right. They just have to
12 identify who they are.

13 SENATOR SHAPLEIGH: Now, let's go
14 into the history of this issue in this country. And
15 I want to go back into the 1940s and all of the
16 history around forwarding the right to vote and ask
17 you how this fits into that history.

18 Recently we had at the national level
19 really as a strategy developed by Texans, I'm
20 talking about Karl Rove, a strategy, in my view,
21 from suppress the vote. And that was built around
22 this issue -- so-called issue of voter fraud, which
23 has been launched in various states. And this is
24 the solution to voter fraud, which is to require a
25 photo I.D. or some I.D.



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1 Can you tell us how many cases nationally
2 we've had on voter fraud issues in the country?

3 SENATOR FRASER: Ask -- ask the
4 question again. You said the number of states?

5 SENATOR SHAPLEIGH: No. Here's --
6 here's what I want to know. This theme is now a
7 national theme. And it's launched, frankly, by Karl
8 Rove. And basically what this one is is a
9 suppression idea. The idea is to suppress the vote,
10 not guarantee the vote. And the premise of it is is
11 that you've got voter fraud going on around the
12 country and we need to step in and stop it.

13 In my own part of the country up there
14 near New Mexico, Pete Dominici wrote a letter to
15 David Iglacias, who's the United States Attorney up
16 there and said, "Are you going to bring these voter
17 fraud cases here in New Mexico?" And the answer
18 was, "Senator, we don't have any voter fraud to
19 prosecute, because we don't find any."

20 None of these cases meet the criteria for
21 federal voter fraud. So my question to you is if
22 the purpose for passing this bill is to guarantee
23 that you've got a right to go vote or guaranteeing
24 who's showing up and too many people are violating
25 that with fraud, how many cases of voter fraud do we



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1 have in this country?

2 SENATOR FRASER: Well, Senator,
3 you're making a lot of assumptions here. You're
4 the -- make -- the one laying out the premise. I
5 don't believe that I laid out anything having to do
6 with Karl Rove and all these others things.

7 My -- my premise is very simple is that if
8 someone's going to vote they should be able to prove
9 who they are.

10 SENATOR SHAPLEIGH: Well, I'm asking
11 you what's the reason for this?

12 In my view, the way this is articulated in
13 any state is we're going to combat this rising issue
14 of voter fraud. How many cases are pending in this
15 state, how many are being investigated by the
16 Secretary of State or Attorney General on voter
17 fraud today? How many?

18 SENATOR FRASER: You're going to --
19 if the -- you're making the issue on the voter
20 fraud. And I -- you know, I -- I'm not making that
21 issue.

22 I'm very simply saying that if someone's
23 going to vote they should have the response --
24 responsibility to show who they are. It's a very --
25 it's a pretty simplistic issue is that you walk in,



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1 you're going to vote, you show them who you are,
2 prove who you are, you vote.

3 SENATOR SHAPLEIGH: Well, let me give
4 you the answer since you didn't get to it: Zero.
5 There's not one pending case. There is no voter
6 fraud that's a national --

7 SENATOR FRASER: Okay. You are
8 asking me a question --

9 SENATOR SHAPLEIGH: -- nor is it
10 happening here in Texas. I'm going to ask you
11 another question, but I want to lay the basis for
12 why this bill is not needed and what the real intent
13 is behind this bill.

14 The answer nationally is that in all 50
15 states there are 89 pending cases. So the answer is
16 there is no voter fraud. It is not a national
17 issue. And rising to make this an issue in the
18 State of Texas, in my view, is really another basic
19 goal which is voter suppression.

20 So let me ask you this, when you look at
21 the guts of this bill and you look at the costs
22 involved in what came over from the House, exactly
23 how does this work?

24 Walk us through how you get this
25 identification, what are the costs and how a



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1 person's going to be affected in Texas by this bill.

2 SENATOR FRASER: Okay. We -- are we
3 off the questions about fraud? Because as you were
4 talking, I was given multiple issues of voter fraud
5 issues in Howard County in a voter fraud plot. But
6 do you want to now talk about how the -- how this
7 will be done?

8 SENATOR SHAPLEIGH: Yes, sir.

9 SENATOR FRASER: Okay. The -- the --
10 you know, the simplest way to do it would be any
11 photo identifications that someone has proving who
12 they are like a driver's license, that would be
13 sufficient or if someone does not have that, they
14 can do any two of the following in a -- in a -- a
15 polling place. If they have a utility bill, a bank
16 statement, a government check, a paycheck or a
17 government document with their name and address, any
18 official mail from a government entity, a -- a
19 certified copy of a birth certificate, U.S.
20 citizenship papers. Any of those things would show
21 that they're who they are.

22 SENATOR SHAPLEIGH: Okay. Let's look
23 at Line 14. And walk us through how those
24 provisions work. Line 14 through 17 on training.

25 SENATOR FRASER: Now, you're going to



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1 have to hold a second. What page you on?

2 SENATOR SHAPLEIGH: I'm on Page 1 of
3 what's here in our billbook.

4 SENATOR FRASER: And Line 14?

5 SENATOR SHAPLEIGH: I'm on line --
6 I'm on Line 14. And the question I have for you is
7 can you tell us what Section C's about and what it
8 does?

9 SENATOR FRASER: Okay. My bill
10 doesn't -- the bill that I have is the engrossed
11 version. And on Page 1, Line 14 is Section C is
12 what you're talking about?

13 SENATOR SHAPLEIGH: Yes, sir.

14 SENATOR FRASER: The training
15 standards?

16 SENATOR SHAPLEIGH: Yes, sir.

17 SENATOR FRASER: They -- adopted
18 under Subsection A refers back, "Must include
19 provisions on acceptance and handling of
20 identification presented by the voter to an election
21 officer under Section 6301."

22 There is another reference here that says
23 that, "The type of identification that they will
24 have to have shall be posted as they walk into the
25 voter registration place, and there will be a very



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1 clear poster signifying what identification is
2 acceptable."

3 SENATOR SHAPLEIGH: Okay. But I'm
4 talking about the training. "The training standards
5 must include provisions on the acceptance and
6 handling of the identification presented."

7 Who's going to be doing this training and
8 how does it work and who's going to pay for the
9 training? Is this a mandate to the counties?

10 SENATOR FRASER: Well, the -- the
11 elections judge for the State of Texas is Attorney
12 General. Attorney General -- I mean, I'm sorry, the
13 Secretary of State.

14 Secretary of State would set up the
15 standards for the counties. And who's running the
16 election then would transfer making sure whoever's
17 working the polling place would have that
18 information.

19 SENATOR SHAPLEIGH: All right. Let's
20 look at -- let me ask you some questions about
21 Section 2 in this bill.

22 "Each election clerk shall complete the
23 part of the training program relating to the
24 acceptance and handling of the identification
25 presented by a voter to an election officer under



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1 Section 63.001."

2 How does that work?

3 SENATOR FRASER: Ask your question
4 again.

5 SENATOR SHAPLEIGH: I am asking you a
6 question with respect to Line 26.

7 SENATOR FRASER: Okay.

8 SENATOR SHAPLEIGH: Going down to
9 Line 29.

10 My question is this, it says, "Each
11 election clerk shall complete the part of the
12 training program relating to the acceptance and
13 handling of the identification presented by a voter
14 to the election officer under Section 63.001."

15 What does that require them to do?

16 SENATOR FRASER: Senator, I think,
17 you know, this -- this is not anything new that an
18 election official -- all election officials are
19 trained for the running of elections and things that
20 they would do. And this is just one more
21 responsibility. It would be posted on the front
22 door. It's just -- it's just training they would
23 have under normal election procedures. We -- we do
24 this all the time, and they would be trained. They
25 would give them -- they would explain what is



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1 acceptable identification, and they would show the
2 identification. It's a -- it's -- it's not any
3 different than when you go to the grocery store to
4 cash your check, that --

5 SENATOR PATRICK: President.

6 Mr. President. Point of the order, this is not a
7 debatable issue.

8 THE PRESIDENT: Senator Patrick,
9 could you restate your point of order?

10 SENATOR PATRICK: This is not a
11 debatable issue suspending of the rules. Make a
12 motion. This is exactly what occurred to me last
13 week in my discussion with Senator Ellis. Senator
14 Carona called a point of order on me, not debatable.

15 THE PRESIDENT: Sustained.

16 SENATOR VAN DE PUGH: Mr. President.

17 THE PRESIDENT: Senator Van de Putte,
18 to what point do you rise?

19 SENATOR VAN DE PUTTE: Need to rise
20 to let the Chair know my intention to speak against
21 passage of this bill at this time.

22 THE PRESIDENT: Ma'am, we're on a
23 motion. It's not debatable at this time.

24 SENATOR VAN DE PUTTE: Mr. President,
25 parliamentary inquiry.



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1 THE PRESIDENT: State your inquiry.
2

3 SENATOR VAN DE PUTTE: When is
4 notification of a filibuster going to be recognized
5 by the Chair?
6

7 THE PRESIDENT: On a debatable
8 motion, which would be either on second reading
9 going to third reading or --
10

11 SENATOR VAN DE PUTTE: Thank you,
12 Mr. President.
13

14 THE PRESIDENT: Thank you.
15

16 Please --
17

18 SENATOR FRASER: Now move to suspend
19 regular order of business with Substitute to House
20 Bill 218.
21

22 THE PRESIDENT: Heard the motion by
23 Senator Fraser. The secretary will call the role.
24

25 THE SECRETARY: Averitt, Brimer,
26 Carona, Deuell, Duncan, Ellis, Eltife, Estes,
27 Fraser, Gallegos, Harris, Hegar, Hegar, Hinojosa,
28 Jackson, Janek, Lucio, Nelson, Nichols, Ogden,
29 Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van De
30 Putte, Watson, Wentworth, West, Whitmire, Whitmire,
31 Williams, Zaffirini, Hegar, Uresti. I'm not --
32 (inaudible). Whitmire.
33

34 THE PRESIDENT: There being 19 ayes
35



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1 and nine nayes, the rules are suspended.

2 Chair lays out on second reading the
3 Committee Substitute House Bill 218. The secretary
4 will read the caption.

5 THE SECRETARY: Committee Substitute
6 House Bill 218 relating to requiring a voter to
7 present proof of identification.

8 THE PRESIDENT: Senator Van De Putte,
9 do you intend to read on -- going to second reading
10 or going on third reading?

11 SENATOR VAN DE PUTTE: Wherever I can
12 stop this bill, Mr. President.

13 THE PRESIDENT: The Chair recognizes
14 Senator Fraser for a motion.

15 SENATOR FRASER: Members, I'd move
16 passage of Committee Substitute for House Bill 218
17 to engrossment.

18 THE PRESIDENT: The Chair recognizes
19 Senator Van De Putte. For what -- for what purpose
20 do you rise, ma'am?

21 SENATOR VAN DE PUTTE: Thank you,
22 Mr. President. To notify the President of my
23 intention to talk against this bill.

24 THE PRESIDENT: You're recognized.

25 SENATOR VAN DE PUTTE: Mr. President,



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1 part -- part -- parliamentary inquiry,

2 Mr. President?

3 SENATOR WEST: Mr. President,
4 parliamentary inquiry. Parliamentary inquiry.

5 THE PRESIDENT: Senator West, state
6 your inquiry.

7 SENATOR WEST: In terms of -- it
8 appears as though the machine was broken or
9 something. It's my understanding that -- consulting
10 with Senator Whitmire that he voted against
11 suspension, and that would be ten nayes -- that
12 would have been ten -- ten nayes and 19 ayes, which
13 would mean that the rules would not suspend.

14 THE PRESIDENT: The rules were
15 suspended. Senator Whitmire was not here. He did
16 not vote. We called his name several times.

17 SENATOR WEST: He was on -- he was on
18 the floor, Mr. President.

19 THE PRESIDENT: He was not. We
20 called his name several times. He did not vote.
21 Senator HegarHegar was on the floor. If Senator
22 HegarHegar would like to vote, Senator Whitmire can
23 vote.

24 SENATOR WEST: No. I'll leave that
25 Senator -- I'll leave that to the -- Dean on that



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1 (inaudible).

2 THE PRESIDENT: We called his name.

3 We called his name.

4 SENATOR WHITMIRE: I voted no.

5 THE PRESIDENT: You did not vote.

6 SENATOR WHITMIRE: I was right there.

7 THE PRESIDENT: Dean, we called your
8 name several times. You were not here. In fact, I
9 waited for you to vote.

10 SENATOR WHITMIRE: We've been
11 operating --

12 THE PRESIDENT: Members, we've had
13 19 -- I gaveled the vote. I gaveled the vote. We
14 had 19 ayes and nine nayes.

15 SENATOR SHAPLEIGH: Parliamentary
16 inquiry, Mr. President.

17 THE PRESIDENT: State your inquiry,
18 Mr. Shapleigh.

19 SENATOR SHAPLEIGH: What's the
20 procedure for classifying who was on the floor at
21 the time of the vote?

22 UNIDENTIFIED SPEAKER: (Inaudible).

23 THE PRESIDENT: Senator Shapleigh, we
24 followed the procedure we traditionally follow of
25 role call vote. The secretary looked for the



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1 Members.

2 UNIDENTIFIED SPEAKER: That's not --

3 THE PRESIDENT: When it came to --
4 she called Senator Hegar's name several times; there
5 was no response. She called Senator Whitmire's name
6 several times; there was no response. I gaveled the
7 vote. Nineteen -- we have 19 ayes and nine nayes.

8 SENATOR SHAPLEIGH: What you're
9 telling me is there is no verification procedure in
10 the rules? There's no way to appeal the fact that
11 John Whitmire was on the floor and bring that fact
12 before the body?

13 UNIDENTIFIED SPEAKER: (Inaudible).

14 SENATOR SHAPLEIGH: Parliamentary
15 inquiry. If we were to get the video and establish
16 that John Whitmire was on the floor and circulating,
17 talking to each one of us with respect to this
18 issue, would that not establish that he was on the
19 floor for the purposes of counting his vote?

20 SENATOR WHITMIRE: You all don't have
21 to win this this election. I'm working the goddamn
22 floor.

23 UNIDENTIFIED SPEAKER: (Inaudible).

24 THE PRESIDENT: Members, I'm going to
25 get your -- Members -- Dean, sit down. Members, sit



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1 down. Senator Shapiro.

2 Members, it's not going to make any
3 difference, but I'll be glad to do another role call
4 vote. We -- the secretary looked, she called.

5 Dean --

6 SENATOR WHITMIRE: Yes, sir.

7 THE PRESIDENT: -- you're going to
8 compose yourself or you're going to leave the floor.

9 SENATOR WHITMIRE: (Inaudible).

10 THE PRESIDENT: The -- we called a
11 role call vote. The secretary called for the
12 Members. She called your name. I waited an --
13 extra long, because I thought you were on the floor.
14 No one said -- Senator HegarHegar was absent. But
15 we're going to -- in courtesy of the Members, we're
16 going to go over the role call again.

17 SENATOR FRASER: Mr. President, would
18 it be proper for me, because I'm on the prevailing
19 side, to withdraw that motion? And would that be
20 the proper way to do this?

21 THE PRESIDENT: Dean, what we're
22 going to do is we're going to do a verification and
23 we're going to call the role again. And I think
24 that should satisfy everyone on the floor. The
25 secretary will call the role.



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1 SENATOR GALLEGOS: Mr. President.

2 THE PRESIDENT: Senator Gallegos.

3 SENATOR GALLEGOS: Parliamentary
4 inquiry.

5 THE PRESIDENT: For what purpose?

6 SENATOR GALLEGOS: Senator HegarHegar
7 is not on the floor and there's a reason for that.
8 He's ill.

9 Now, my inquiry is if -- if -- if one of
10 our colleagues is ill but is here or is in town,
11 should he or she not deserve the same courtesy you
12 allowed me, at least be told that 218 is going to
13 be -- is -- is -- you're going to put it out, you're
14 going to bring it out?

15 THE PRESIDENT: Senator, you haven't
16 made a parliamentary inquiry. You're asking a
17 question.

18 The answer is Senator Uresti did not come,
19 he did not talk to me nor my staff. This bill has
20 been on intent for a week or two. The -- the
21 question -- we're in the middle of a vote on
22 suspension. The secretary will call the role.

23 THE SECRETARY: Averitt --

24 UNIDENTIFIED SPEAKER: Parliamentary
25 inquiry, Mr. President. Does the verification take


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1 place after the vote or before?

2 THE PRESIDENT: Senator, we're not
3 like the House. The -- a verification occurs while
4 we vote. But in respect to the Members, I'm going
5 to ask the secretary to call the role again.

6 And we're going to reestablish -- we're
7 going to re-verify the vote. Is that all right with
8 you?

9 SENATOR WHITMIRE: If that's under
10 the State rules. But unlike the House, I'd like us
11 to be under a bed of rules. And so my question is
12 under the rules that we operate under the
13 verification will take place after the vote, or are
14 you calling role?

15 THE PRESIDENT: No. For the third
16 time, it takes place while the vote is occurring.
17 The secretary called the role before. She looked
18 around the room. She called the Members' names and
19 -- there were 19 ayes and nine nayes. Having
20 said that, we're in the middle of a vote.

21 The motion on the floor is to suspend the
22 rules. The secretary will call the role.

23 THE SECRETARY: Averitt, Brimer,
24 Carona, Deuell, Duncan, Ellis, Eltife, Estes,
25 Fraser, Gallegos, Harris, Hegar, Hinojosa, Jackson,


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1 Janek, Lucio, Nelson, Nichols, Ogden, Patrick,
2 Seliger, Shapiro, Shapleigh, Uresti, Van De Putte,
3 Watson, Wentworth, West, Whitmire, Williams,
4 Zaffirini.

5 THE PRESIDENT: There being 20 ayes
6 and 11 nayes, the motion to suspend fails at the
7 present time.

8 (End)

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1

2 IN THE COUNTY OF TRAVIS)

3

STATE OF TEXAS)

4

I, Rhonda Howard, Certified Shorthand
5 Reporter in and for the State of Texas, hereby
6 certify to the following:

7

That the CD entitled, "HB 219 - Voter
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9 Anne Wilson, 209 West 14th Street, 8th Floor,
10 Attorney General's Office, Austin, Texas 78701, and
11 the amount due is \$ _____.

12

That the aforementioned CD was transcribed
13 to the best of my ability to hear and understand the
14 CD;

15

That the transcript was submitted by
16 E-trans on April , 2012, to Anne Wilson, 209 West
17 14th Street, 8th Floor, Attorney Generals' Office,
18 Austin, Texas 78701;

19

I further certify that I am neither
20 counsel for, related to, nor employed by any of the
21 parties or attorneys in the action in which this
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23 financially or otherwise interested in the outcome
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25



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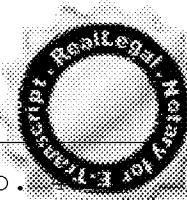
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1 Certified to by me, this 27th day of
2 April, 2012.

3
4 
5



6 RHONDA HOWARD, Texas CSR No.

7 Expiration Date 12/31/12

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